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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,859	08/09/2004	Joerg C. Wagner	ACE-20712	4858
10361	7590	05/04/2006	EXAMINER	
ANTONY C. EDWARDS SUITE 200 - 270 HIGHWAY 33 WEST KELOWNA, BC V1X 1X7 CANADA			NGUYEN, TAI T	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/710,859

Applicant(s)

WAGNER, JOERG C.

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,18-22 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 3,13-17,23-25 and 32-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/22/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 31 is objected to because of the following informalities: Claim 31 including a part of claim 30.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said unique data" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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5. Claims 1-2, 4-8, 11-12, and 18-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Wildman et al. (US 2005/0035862).

Regarding claim 1, Wildman et al. disclose an establishment (10) having multiple rooms for temporary each room has a doorway for access occupancy wherein to a common access path to the rooms, a system for identification and monitoring of, and obtaining data including location and status data relating to, assets of the establishment including mobile property within the establishment or persons temporarily residing or working in the establishment, the system comprising: a wireless first communicator (20) mounted in association with each room so as to be within a communication enabling proximity to the access path, at least one wireless interactive second communicator (12) for use in association with an asset of the establishment, and wherein a plurality of said first communicators are thereby spaced apart along the access path to the rooms, and within said communication enabling proximity to the access path for communication between said first and second communicators, wherein each of said first communicators cooperates in wireless communication with each second communicator of said at least one wireless second communicator when said second communicator is in said communication enabling proximity to said each first communicator along the access path (figure 1, paragraph 42).

Regarding claim 2, Wildman et al. disclose the second communicator being a wireless tag and the first communicator interacts in non-contact wireless communication with the tag to obtain unique data (paragraph 42).

Regarding claims 4 and 8, Wildman et al. disclose the first communicator communicates data to a central processor (34, paragraph 45).

Regarding claim 5, as shown in figure 1, Wildman et al. disclose the central processor has associated with it central database (36).

Regarding claim 6, Wildman et al. disclose the processor includes an interrogator means (40) for interrogating with the first communicator (paragraph 45).

Regarding claim 7, Wildman et al. disclose the processor cooperates with the central database and communicates with the plurality of said first communicators over a network so as to obtain data including up-to-date unique data, ID data corresponding to each first communicators so as to determine corresponding location data and unique tag ID data from a particular tag when the tag is in the access path (paragraph 49).

Regarding claim 11, Wildman et al. disclose an appliance sensor (24, paragraph 42).

Regarding claim 12, Wildman et al. disclose the second communicator being a handheld device (figure 1).

Regarding claims 18-19, Wildman et al. disclose the second communicator being worn/attached to a person (paragraph 48).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-10, 20-22, and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wildman et al. (US 2005/0035862).

Regarding claims 9-10 and 22, Wildman et al. disclose the instant claimed invention except for motion/heat sensor or environmental status sensor to detect occupancy of the corresponding room. Since Wildman et al. disclose the sensor (20) determining current location of the second communicator when the second communicator being within limited range of the sensor (paragraph 72), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the sensor having a capability to sense the occupancy of the second communicator, as an occupancy sensor, for the purpose of detecting the presence of the second communicator within the range of the sensor.

Regarding claims 20-21, Wildman et al. disclose the instant claimed invention except for the tag being authorized and logged in to the processor for a pre-set time period corresponding to the length of a work-shift to the staff member. Since Wildman et al. disclose the system recognizing that the staff member wearing the badge has entered to the establishment (paragraph 50), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the system can be used to track the length of a work-shift of the staff member.

Regarding claims 26-28 and 30-31, Wildman et al. disclose the instant claimed invention except for asset being a food tray, shoe tray, a luggage and fob. Since

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Wildman et al. disclose the asset being a doctor, nurse, intern, or visitor (paragraph 48), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the asset as a food tray, shoe tray, luggage, fob or PDA, as an obvious design choice, for the purpose of monitoring/tracking the current location of those assets within the establishment.

Regarding claim 29, Since Wildman et al. disclose the first communicator being mounted in each room (figure 1). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to mount the first communicator in a room number sign for the purpose of monitoring the presence of each tag being entered the room.

### ***Allowable Subject Matter***

8. Claims 3, 13-17, 23-25, 32-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tai T. Nguyen', with a large, stylized initial 'T'.

Tai T. Nguyen  
Examiner  
Art Unit 2612

April 28, 2006